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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1630-0412PUS1	
	Application Number 10/713,580-Conf. #2013	Filed November 12, 2003	
	First Named Inventor Woo YOON		
	Art Unit 2451	Examiner K. Q. Dinh	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div><div><input type="checkbox"/> applicant /inventor.</div><div><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div><div><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,953</u></div><div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</div></div> <div><div> Signature</div><div><u>Esther H. Chong</u> Typed or printed name</div><div><u>(703) 205-8000</u> Telephone number</div><div><u>JAN 06 2010</u> Date</div></div>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<div><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</div>			



Docket No.: 1630-0412PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Woo YOON

Application No.: 10/713,580

Confirmation No.: 2013

Filed: November 12, 2003

Art Unit: 2451

For: METHOD FOR REPRODUCING CONTENTS
INFORMATION IN INTERACTIVE OPTICAL
DISC DEVICE AND METHOD FOR
PROVIDING CONTENTS INFORMATION IN
CONTENTS PROVIDER SERVER

Examiner: K. Q. Dinh

**REMARKS ACCOMPANYING A REQUEST FOR PRE-APPEAL BRIEF
CONFERENCE**

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Favorable reconsideration of this Application, in light of the following discussion, is respectfully requested. Claims 1, 3-13, 15-17, 19-22, 25-26, 28-39 and 41-54 are pending. In the Official Action, claims 1, 12-13, 15-17, 19-22, 25-26, 28-37, 39, 42-45 and 50-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lamkin (U.S. Patent Pub. No. 2005/0251749). Claims 3-11, 38, 41 and 46-49 were indicated as containing allowable subject matter. Applicant acknowledges with appreciation the indication of allowable subject matter.

Briefly recapitulating, claim 1 is directed to

A method for reproducing contents information in a device, comprising:

A method for reproducing contents information in a device, comprising:

a) synchronously reproducing data read from a recording medium and contents information downloaded from a contents provider server connected via a network interface, said contents information being associated with the data read from the recording medium;

b) sending a command for requesting re-sending of specific contents information to the contents provider server, with reference to specific information contained in normally reproduced last contents information, if reception of said contents information from said contents provider server is suspended or delayed; and

c) synchronously reproducing said specific contents information re-sent from said contents provider server in response to said command and data read from said recording medium, *wherein said specific information contained in said normally reproduced last contents information includes at least one of contents information offset information and offset information of said data read from said recording medium.*

Claims 1 and 2 of Lamkin are applied as a basis of rejection of Applicant's independent claims. However, Applicant submits that Lamkin is not prior art to Applicant's claimed invention. Lamkin was filed on May 20, 2005. Lamkin claims priority to a number of prior filed applications, the earliest of which being filed in the U.S. on April 21, 1999. However, the specification of Lamkin does not support the claims of Lamkin being used as a basis of rejection of Applicant's claimed invention. Indeed, the specification of Lamkin only describes a display device (102) that displays video and/or hypertext markup language (HTML) documents to a user. In an alternative embodiment, the display device (102) can be audio only. Display device (102) can be any device capable of displaying an external video feed or playing an external audio feed such as, but not limited to, a computer, a set top box, gaming platforms, or a player. The display device (102) receives content for display from either the local content source (104) or the offsite content source (106). The local content source (104), in one embodiment, can be any device capable of playing any media disk including, but not

limited to, digital versatile disks (DVDs), digital versatile disk read only memories (DVD-ROMs), compact discs (CDs), compact disc-digital audios (CD-DAs), optical digital versatile disks (optical DVDs), laser disks, DATAPLAY.TM., streaming media, PVM (Power to Communicate), etc. The offsite content source (106), in one embodiment, can be any device capable of supplying web content or HTML-encoded content such as, but not limited to, a network-connected server or any source on the Internet. Because nothing in the specification of Lamkin supports applied claims 1 and 2 of Lamkin, Applicant submits that the true filing date of Lamkin is May 20, 2005, which is after Applicant's claimed filing date of November 12, 2003.

Furthermore, paragraph 5 of the Official Action argues that Lamkin discloses Applicant's claimed "specific information contained in said normally reproduced last contents information includes at least one of contents information offset information and offset information of said data read from said recording medium." Applicant traverses. Applicant has reviewed cited paragraphs [0106]-[0110] and [0115]-[0118] and finds no occurrence of the term of or a concept related to "offset" in these paragraphs. Indeed, the Official Action merely alleges that Applicant's claimed feature is found in these paragraphs without identifying a specific construct for said feature. Regarding asserted claim 2 of Lamkin, as noted previously, this claim was copied from Applicant's published application and has no support within the specification of Lamkin. Thus, claim 2 of Lamkin is not a proper basis of rejection.

Because Lamkin does not disclose or suggest all of the features recited in claims 1, 12, 17, 25, 39 and 50, Lamkin does not anticipate the invention recited in claims 1, 12, 17, 25, 39 and 50, and all claims depending therefrom.

b) sending a command for requesting adjustment of a contents information bit rate to said contents provider server, if a size of contents information downloaded into a buffer memory of said recording medium device and not yet reproduced is smaller than or equal to a first predetermined reference value or greater than or equal to a second predetermined reference value.

However, as noted in Applicant's previously filed response, contrary to the Official Action, paragraphs [0054] to [0083] of Lamkin do not disclose or suggest the above-identified feature. Paragraph [0060] of Lamkin describes an application programming interface (API) that provides interaction with hardware platform (402) by means of commands (or methods), properties, and events. Commands (also called methods) are executed *to control the playback of*, search of, and navigation through video and/or audio content. The environment can be queried to ascertain the status of various properties. Events are *triggered* by the occurrence of various operating or playback conditions and serve to provide notification of these playback conditions. Events are essential for scripting and the simultaneous presentation of the media content (audio and/or video) with other web assets (such as text, graphics, etc.). Thus, properties are passive (provided in response to queries) and events are active (provided without queries). However, none of the triggers described in Lamkin correspond to Applicant's claimed conditional step of sending a command for requesting a bit rate adjustment.

Furthermore claim 30 of Lamkin was copied from Applicant's published application and has no support within the specification of Lamkin (i.e., Lamkin does not mention bit rate.) Thus, claim 30 of Lamkin is not a proper basis of rejection.

Independent claim 34 is directed to a method for providing contents information in a contents provider server, comprising: a) sequentially sending contents information whose sending is requested by a device connected via a network interface, said contents information being associated with data to be reproduced in the device; and b) adjusting

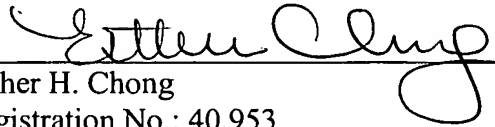
the bit rate in response to a command for requesting adjustment of a contents information bit rate and sending the requested contents information at the adjusted bit rate.

Paragraph [0060] of Lamkin describes commands (also called methods) that are executed to control the playback of, search of, and navigation through video and/or audio content. The environment can be queried to ascertain the status of various properties. Events are triggered by the occurrence of various operating or playback conditions and serve to provide notification of these playback conditions. Events are essential for scripting and the simultaneous presentation of the media content (audio and/or video) *with other web assets (such as text, graphics, etc.)*. Thus, properties are passive (provided in response to queries) and events are active (provided without queries). However, Lamkin does not disclose 1) sequentially sending contents information from a server; or 2) adjusting a bit rate of the server in response to a command for requesting adjustment of a contents information bit rate and sending the requested contents information at the adjusted bit rate. Thus, claim 34 patentably defines over Lamkin.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17.

Dated: **JAN 06 2010**

Respectfully submitted,

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